

Chapter 34

SEWERS*

Art.	I.	In General, §§ 34-1—34-30
Art.	II.	Repealed, §§ 34-31—34-48
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ARTICLE I. IN GENERAL

Sec. 34-1. Definitions.

For the purposes of this chapter, all sewers running in the streets or alleys of the city or through private property that are designed or constructed to furnish sewer connection for more than one (1) lot shall be regarded as main or public sewers, provided that the sewer is built to city standards on a recorded easement or previously recognized on city sewer maps. All sewers leading from the main or public sewers to the property on either side shall be regarded as building sewers. A sewer serving two (2) or more buildings, constructed and paid for by property owners and not directly controlled by the city shall be regarded as a private sewer. (Code 1959, § 29-1)

Sec. 34-2. Construction and maintenance by city generally.

The city shall lay, construct and maintain all main or public sewers and connections with approved clean-outs and shall lay and construct all building sewers from their connection with the main or public sewers to the clean-out located at the property line of the street adjacent to the property into which the building sewer leads. (Code 1959, § 29-2; Ord. No. O-87-265, § 1, 11-24-87, eff. 1-1-88)

Sec. 34-3. Sewer connections to premises within the city; extensions of mains.

(a) A separate connection shall be required for each subdivision lot upon which a building is constructed. Only one (1) sewer service connection will be required where multiple lots are used to construct a building.

(b) The city will grant the right to use the sewerage system and will extend sewer mains where in the opinion of council it is practical and economically feasible under the following methods:

(1) Sewer mains installed by the city in the preservation of the health and general welfare of the citizenry for reasons of public necessity,

(2) Sewer mains installed in response to citizen request when evidenced by petition,

(3) Sewer mains installed in conjunction with industrial development and/or residential subdivision development. (Code 1959, § 29-6.2; Ord. of 6-15-77; Ord. No. O-87-265, § 1, 11-24-87, eff. 1-1-88.)

Sec. 34-4. General terms, conditions, and provisions applicable to sewer mains extended or installed with city approval.

(a) Title to any sewer main extensions or service connections within the public right-of-way or requested easements shall vest in the city upon the completion of construction regardless of method of financing.

(b) Where public sewer systems are already installed, replacement or enlargement of the sewer pipes, when deemed necessary by the city, shall be made at the sole cost and expense of the city.

***Cross references**—Department of public works, § 2-225 et seq.; building, Ch. 11; housing and hygiene, Ch. 22; nuisances, Ch. 26; water, Ch. 39.

State law reference—Public utilities generally in connection with sewers, Code of Virginia, § 15.1-292 et seq.

(c) Whenever any person owning property along the line of any sewer main in the city which has been extended, installed or purchased by the city in the preservation of the health and general welfare of the public, or by petition, but without the participation of him or a previous owner of this property, shall desire the sewer service from said main to his premises, he shall be required to do the following:

- (1) Fulfill the criteria as outlined under subsection (g) hereof, involving sewer main connections;
 - (2) Make an additional payment of an availability charge, the purpose of which is to defray in part the cost of providing outfall lines, pumping stations and waste treatment facilities. The availability charges are as follows:
 - a. Single-family residence:
 - (i) Where fifty (50) to fifty-nine (59) per cent of the potential customers of the project as determined by the city engineer sign petitions requesting such project, the charge shall be nineteen hundred fifty dollars (\$1,950.00) per connection, for each such petitioner.
 - (ii) Where sixty (60) to sixty-nine (69) per cent of said customers sign such petitions, the charge shall be eighteen hundred fifty dollars (\$1,850.00) per connection, for each such petitioner.
 - (iii) Where seventy (70) to seventy-nine (79) per cent of said customers sign such petitions, the charge shall be seventeen hundred fifty dollars (\$1,750.00) per connection, for each such petitioner.
 - (iv) Where eighty (80) to eighty-nine (89) per cent of said customers sign such petitions, the charge shall be sixteen hundred and seventy-five dollars (\$1,675.00) per connection, for each such petitioner.
 - (v) Where ninety (90) to ninety-four (94) per cent of said customers sign such petitions, the charge shall be fifteen hundred and fifty dollars (\$1,550.00) per connection, for each such petitioner.
 - (vi) Where ninety-five (95) to one hundred (100) per cent of said customers sign such petitions, the charge shall be fourteen hundred and fifty dollars (\$1,450.00) per connection, for each such petitioner.
 - b. Multifamily structures and mobile home parks where a single connection is made:
 - (i) For the first five (5) units, nine hundred and eighty dollars (\$980.00) each.
 - (ii) For the second five (5) units, seven hundred and thirty dollars (\$730.00) each.
 - (iii) For all additional units, four hundred and ninety dollars (\$490.00) each, subject to a maximum charge of eighteen thousand three hundred and fifty dollars (\$18,350.00) under this subsection b.
- Separate individual connections to each unit of a multifamily structure or mobile home park will require the same availability charge for each unit as a single-family residential unit. Separate connections serving more than one unit will require the availability charge as specified above in Section 34-4(c)(2)b.
- c. Commercial service: Up to two thousand (2,000) square feet of floor space, or if a maximum four (4) inch diameter building sewer is used, the charge shall be one nineteen hundred and fifty dollars (\$1,950.00). If a connection sewer in excess of four (4) inches in diameter is required, the following charges shall apply:

Availability
Charge:

\$1,950.00
\$2,440.00
\$3,640.00
\$6,110.00
\$9,650.00

As determined by city council

Floor Space

0 to 2,000 square feet
2,001 to 10,000 square feet
10,001 to 20,000 square feet
20,001 to 35,000 square feet
35,001 to 99,999 square feet
100,000 square feet or greater

All availability charges for institutional service shall be as determined by city council on a case-by-case basis.

d. Just prior to the conclusion of each fiscal year, the city manager or his designee shall review all availability charges and connection fees, and recommend to council appropriate charges.

e. All extension agreements and service requests not included in original petitions shall be subject to the maximum prevailing availability charges and connection fees which are in effect at the time such agreement or request is approved by council, irrespective of the number of original petitioners.

(d) Whenever any property abutting a street is without a city sewer main, the owner desiring city sewer service shall be required to sign a petition for extension of sewer mains.

(1) Single-family and multifamily structures and mobile home parks: Upon receipt of said petition signed by at least fifty (50) per cent of the owners representing properties to be served by the sewer main extension, the city shall prepare an estimate for the installation of a sewer main.

Such estimate shall be prepared on the basis that the location, character and size of the extension, and the plans and specifications for the extension, and the materials used in the installation, replacement, maintenance and repair of the extension shall be as specified by the city.

(2) Commercial service: Where the council has determined the petitioned project to be economically feasible to the city, the availability charges set forth in Section 34-4(c)(2)c. shall be applicable.

Where the council has determined that the petitioned project is not economically feasible to the city, the cost of the project will be apportioned by council between the city and the benefitted property owners. The entire non-city portion shall be apportioned by council between the petitioning property owners as their availability charge. Any nonsigning property owner later petitioning for service shall pay the same proportioned share for each connection as the original signers.

(e) The owner or occupant of a single-family dwelling or a two-family dwelling that did not have access to city sewer lines prior to the extension of the line, may make arrangements to pay the availability charges in paragraph (c)(2)(a) and the connection charges in paragraph (g) of this section in installments. The city's billings and collections division may enter into a water and sewer service availability fee installment agreement with the owner or occupant of a single-family dwelling or a two-family dwelling under the following conditions:

(1) Only an owner or occupant that actually connects their dwelling to the city's sewer system is eligible to enter into a water and sewer service availability fee installment agreement.

(2) The availability and connection charges and interest must be paid in full within one year.

(3) Interest at the rate of five (5) percent per annum or the interest rate the city was charged for its most recent bond issue, whichever rate of interest is higher, will be charged on the unpaid balance of the availability and connection charges.

(4) Payments will be made on such dates and in such amounts as the billings and collections division, in its discretion, determines are appropriate.

(5) The unpaid balance of the availability and connection charges may be paid in full at any time without any prepayment penalty.

(6) The water and sewer service availability fee installment agreement cannot be assigned or assumed without the prior written consent of the billings and collections division.

(7) If the owners or occupants fail to make payments in accordance with the water and sewer service availability fee installment agreement, the city may discontinue water service to the property until all arrears for availability and connection fee installment payments due the city are paid in full.

(8) As provided in section 15.2-104 of the Code of Virginia, or any succeeding section, the city will place a lien against the property that is served by the sewer line to secure the payment of the unpaid availability and connection charges.

The installment plan offered by this paragraph is for the benefit of the owners or occupants of single-family dwellings and two-family dwellings and is not available to developers or builders of residential subdivisions, apartments, boarding houses, lodging houses, rooming houses or other multi-family dwellings or to commercial and institutional facilities, or similar housing units.

(f) Sewer main extensions involving industrial development, residential subdivision development of three (3) or more dwelling units per lot, and/or any other planned unit or special development are excepted from this section.

(g) In addition to the previous applicable requirements, whenever any person owning property along the line of any sewer main in the city shall desire sewer service into his premises, he shall execute an agreement known as an "Application for Sewer." In addition thereto, the licensed plumber employed by him shall make written application therefor to the city on forms prescribed for that purpose.

Unless the building sewer, or connection, has been previously installed, the plumber or building contractor shall clearly indicate at the premises by a stake or otherwise the exact location of the building sewer. An applicant for any new connection must make an estimate of the size building sewer needed for all lines greater than four (4) inches in diameter for the particular building in order that the proper size building sewer may be installed to satisfy the demand. Upon approval of the application, payment of certain fixed sewer connection fees must be made as follows:

Four (4) inch diameter house building sewer	\$	450.00
Over four (4) inch diameter building sewer	Cost plus 15%	
Minimum charge	\$	500.00

Provided, that when any property owner grants to the city free of cost the right to construct and maintain a sewer across said property owner's property, that property owner shall be granted a credit of one hundred dollars (\$100.00) to be applied against the appropriate connection charge for one (1) connection.

The city will then install a building sewer leading from the main in the street to the property line, or install a sewer saddle. This requirement also applies to houses formerly occupied by one (1) family, but which are converted into two (2) or more apartments, with a separate sewer connection for each apartment unit. When these requirements are complied with, the city will thereupon issue a permit for the plumber named in the application to make connection with the city's sewer. All such connections and all plumbing work shall conform in all respects to the provisions of the plumbing code of the city.

(h) Residential subdivisions of no more than two (2) dwelling units per lot. For all subdivisions located within the city containing no more than two (2) dwelling units per lot, in addition to the construction of the system within the boundaries of the subdivision by the subdivider pursuant to Section 24.1-31(a) of the city's subdivision ordinance, there shall be paid by the property owner to the city at the time of connection to the system a connection fee (without an easement credit) as required by subsection (g) for each connection, and an availability charge, the purpose of which is to defray in part the cost of providing extension lines, pumping stations and waste treatment facilities, the sum of four hundred dollars (\$400.00) per lot; provided, however, that if in any subdivision development any lot is served by a connection directly to lines installed by the city, the availability charges as listed in Section 34-4(c)(2)a, will be paid by the property owner, except, however, that where he or a previous owner of this property participated in the cost of such lines, no availability charge shall be payable.

(i) The owner or occupant of a single-family dwelling or a two-family dwelling that did not have access to city sewer lines at the time it was constructed, may make arrangements to pay the availability charges in paragraph (c)(2)(a) and the connection charges in paragraph (g) of this section in installments. The city's

billings and collections division may enter into a water and sewer service availability fee installment agreement with the owner or occupant of a single-family dwelling or a two-family dwelling under the following conditions:

- (1) Only an owner or occupant that actually connects their dwelling to the city's sewer system is eligible to enter into a water and sewer service availability fee installment agreement.
- (2) The availability and connection charges and interest must be paid in full within one year.
- (3) Interest at the rate of five (5) percent per annum or the interest rate the city was charged for its most recent bond issue, whichever rate of interest is higher, will be charged on the unpaid balance of the availability and connection charges.
- (4) Payments will be made on such dates and in such amounts as the billings and collections division, in its discretion, determines are appropriate.
- (5) The unpaid balance of the availability and connection charges may be paid in full at any time without any prepayment penalty.
- (6) The water and sewer service availability fee installment agreement cannot be assigned or assumed without the prior written consent of the billings and collections division.
- (7) If the owners or occupants fail to make payments in accordance with the water and sewer service availability fee installment agreement, the city may discontinue water service to the property until all arrears for availability and connection fee installment payments due the city are paid in full.
- (8) As provided in Section 15.2-104 of the Code of Virginia, or any succeeding section, the city will place a lien against the property that is served by the sewer line to secure the payment of the unpaid availability and connection charges.

The installment plan offered by this paragraph is for the benefit of the owners or occupants of single-family dwellings and two-family dwellings and is not available to developers or builders of residential subdivisions, apartments, boarding houses, lodging houses, rooming houses or other multi-family dwellings or to commercial and institutional facilities, or similar types of housing units. (Code 1959, § 29-6.3; Ord. of 6-14-77; Ord. of 8-8-78; Ord. of 5-22-79; Ord. No. O-81-153; § 1, 6-23-81; Ord. No. O-83-145, § 1, 6-28-83; Ord. No. O-87-265, § 1, 11-24-87, eff. 1-1-88; Ord. No. O-89-280, § 1, 10-10-89, eff. 1-1-90; Ord. No. O-00-017, 1-25-00; Ord. No. O-01-182, 9-25-01)

Sec. 34-4.1. Availability charge for city sewer service.

Those business firms which may be designated a "qualified business firm" pursuant to the provisions of Chapter 22, Title 59.1, of the Code of Virginia, 1950, as amended, (the Urban Enterprise Zone Act,) shall be allowed to pay the availability charge imposed by Section 39-26 as follows: Commencing with the second anniversary date of the submission of the city's registered bill in the amount of the availability charge, twenty-five (25) per cent thereof will be due and annually thereafter on such anniversary date an additional twenty-five (25) per cent will be due until the charge is paid in full. (Ord. No. O-84-172, § 1, 6-26-84, eff. 7-1-84)

Sec. 34-5. Deferral of availability charges and connection fees to the city sewer system for certain persons.

For those owner-occupants of existing dwellings, who have an equity not exceeding thirty thousand dollars (\$30,000.00) therein and who meet the financial eligibility requirements of the Medicaid program for group III Virginia localities, as determined by the department of human services, the availability charges and connection fees imposed by Section 34-4(c)(2) shall, upon request, be deferred until such time as title to the property passes by sale or inheritance. Such persons shall, prior to connection with the city sewer system, execute a petition, approved by the city attorney, granting to the city a lien in the amount of the

fees and charges plus all interest which may accrue. When the charges are so deferred, they shall be subject to the payment of an annual simple interest charge of six (6) per cent on the unpaid balance of such fees and charges, provided that such persons shall have the right at any time to make payments, partial or

in full of the balance due for such connection. Passage of title to a spouse shall not constitute inheritance under this section. (Code 1959, § 29-6.4; Ord. of 10-25-77)

Sec. 34-5.1. Waiver of availability charges for connection to the city sewer system in certain situations.

City council, upon request, may waive the availability charges required by Section 34-4(c)(2)a, of the City Code under the following conditions:

- (a) Construction is for single-family homes only.
- (b) Construction is within a designated redevelopment or conservation area or rehabilitation district.
- (c) Construction is for:
 - (1) An individual who agrees to occupy the home for a minimum of ten (10) years as his/her principle residence. If the home is sold or rented within that time, the availability fees would become due and payable; or
 - (2) A nonprofit corporation for resale to low-income persons with requirements for owner occupancy in the deed. (Ord. No. O-85-224, § 1, 9-10-85)

Sec. 34-6. Construction of building sewer connections—Generally.

In the event an application for connection to any main or public sewer is approved, the connection shall be constructed by the utilities division strictly in accordance with the facts stated in the application and in accordance with department of public works standards. The building sewer shall be constructed with reference to the connections as located by the utilities division. If said connection is to a main or public sewer located in city right-of-ways the utilities division shall construct the connection with clean-out to the street right-of-way line. If the connection is to a main or public sewer located in an easement, the utilities division shall make the connection to the sewer and lay approximately five (5) feet of pipe for the building sewer to be connected. If the connection is to a main or public sewer located in an easement and is to serve an adjoining property, the utilities division shall make the connection to the sewer and construct the service line to the property line of the adjoining property and install a clean-out. The contractor shall notify the utilities division forty-eight (48) hours prior to excavating building sewer trench, and said trench shall be excavated up to and including the main or public sewer in cases where the sewer is located in an easement. (Code 1959, § 29-7; Ord. No. O-87-265, § 1, 11-24-87, eff. 1-1-88)

Sec. 34-7. Trenches for building sewers.

The trench for a building sewer shall be excavated so as to meet the city installed connection at the proper angle and elevation. (Code 1959, § 29-8; Ord. No. O-87-265, § 1, 11-24-87, eff. 1-1-88)

Sec. 34-8. Material for building sewers laid in the streets.

All connections to main or public sewers shall be of first-class quality, schedule forty (40) pvc pipe unless laid less than eighteen (18) inches below the surface, in which event, cast-iron or ductile-iron pipe may be used. Other types of pipe may be used upon approval of the city engineer. (Code 1959, § 29-9; Ord. No. O-87-265, § 1, 11-24-87; eff. 1-1-88; Ord. No. O-95-269, 9-26-95)

Sec. 34-9. Injury to sewer, gas or water pipes.

No person, while engaged in the construction of building sewers, or otherwise, shall injure, trim, break or remove any portion of any main or public sewer or connection or do any injury to any gas or water pipe of building sewer previously laid. No penalty imposed for violation of this section shall prevent the city or any property owner from recovering any damages sustained by reason of such injury by appropriate civil action, or otherwise. (Code 1959, § 29-10; Ord. No. O-87-265, § 1, 11-24-88; eff. 1-1-88)

Sec. 34-10. Removal of obstructions.

In case of any stoppage in the main or public sewers, the city shall remove the obstruction. If the stoppage is in the building sewer or drain, the property owner whose property it connects with the main sewer shall remove any such obstruction. In the event of failure by such owner to remove the obstruction, the city, at the expense of the owner [which shall include the cost of all materials, labor and equipment, plus fifteen (15) per cent], shall remove such obstruction; provided, however, that the owner will install at his cost on the boundary between his property and the city right-of-way, an approved sewer clean-out. The city at its cost will then maintain that portion of the building sewer line on city property. An approved clean-out shall be defined as one installed by the property owner, inspected and approved by the utilities division and inspections division. That portion of the building sewer between the clean-out and the main sewer shall be inspected to determine that it is free of any obstructions, properly aligned, no defects exist in the pipe, and the pipe material meets city standards. If a clean-out installation fails to meet the above criteria, it shall be rejected and the property owner shall be notified in writing of the reason for rejection, with a copy forwarded to the plumbing inspector. Once the deficiency has been corrected the owner may request a second inspection. If the existing connection cannot be made acceptable and the property owner desires that the city maintain that portion of the service from the main or public sewer to his property line, the owner shall apply for a new connection to be installed and pay all applicable fees. A list of approved connections accepted under this section shall be maintained by the utilities division. (Code 1959, § 29-11; Ord. of 6-12-79; Ord. No. O-87-265, § 1, 11-24-87; eff. 1-1-88)

Sec. 34-11. Prohibited discharges into sewers.

No person shall be permitted to discharge into the main or public sewers or any building sewer or drain through which substances are discharged any substances which are liable to injure such sewers, or obstruct the flow of sewage, or in any manner impair their efficiency. These discharges shall include, but not be limited to, the prohibited wastes listed in Section II (Prohibited Wastes Generally) in the nondomestic and industrial user regulations and practices. (Code 1959, § 29-12; Ord. No. O-87-265, § 1, 11-24-87; eff. 1-1-88; Ord. No. O-95-269, 9-26-95)

Sec. 34-11.1. Unpolluted waters prohibited in sanitary sewers.

(a) It shall be unlawful for any person to discharge or cause to be discharged to the sanitary sewer any unpolluted waters such as storm water, ground water, roof runoff or subsurface drainage.

(b) All existing connected rainleaders are to be removed from the sewer system according to the council-adopted policies and guidelines entitled "Rainleader Disconnect Program". Reconnection of rainleaders to the sewer, without prior permission from the program administrator, will not be allowed. For purposes of this section a rainleader shall be defined as any conduit that conveys stormwater into the city sewer lines. A copy of the "Rainleader Disconnect Program" policies and guidelines shall be kept in the office of the department of public works and shall be available for review upon request. Any persons reconnecting rainleaders once a disconnect is completed, will be in violation of the provisions of this section and shall be guilty of a class 1 misdemeanor. Whenever a rainleader is reconnected it shall be presumed that the reconnect was done by or with permission of the property owner; provided, however, that such presumption shall be rebuttable by competent evidence. (Ord. No. O-95-269, 9-26-95; Ord. No. O-96-092, 4-23-96)

Sec. 34-12. Repealed. (O-87-231)

Editor's note—Section 34-12, pertaining to sewer rates, and derived from Code 1959, § 29-13; an ordinance enacted May 3, 1977; and Ord. No. O-82-034, § 1, adopted Feb. 23, 1982 effective March 1, 1982, was repealed by § 3 of Ord. No. O-87-231, adopted Oct. 13, 1987.

Sec. 34- 12.1. Sched ule of sewer rates.

(a) The monthly sewer rates for all consumers within the city shall be \$4.07 per h.c.f. of water used provided, however, that the rate of any party discharging industrial waste or processed water into the city system pursuant to an individual contract shall be as provided in such contract.

(b) In addition to the sewer rates provided in this section, a high strength waste surcharge is established for all customers with discharges in excess of twenty-five thousand (25,000) gallons per day and having biological oxygen demand and/or suspended solids concentrations in excess of normal wastewater.

The surcharge shall be as follows:

(1) For BOD concentrations in excess of three hundred (300) milligrams per liter (MG/l), fifteen dollars and fifty-two cents (\$15.52) per one hundred (100) pounds.

(2) For suspended solids concentrations in excess of four hundred (400) milligrams per liter (MG/l), eighteen dollars and twenty-five cents (\$18.25) per one hundred (100) pounds.

(3) Truck hauled wastes disposal charges for residential and restaurant wastes as defined in Section 34-13 will be assessed at the following rates: one hundred seventy-seven dollars (\$177.00) up to a limit of 2,500 gallons of capacity and thirty dollars (\$30.00) for each 500 gallons of capacity over 2,500 gallons. Truck hauled wastes for special contract holders shall be charged in accordance to the terms of the contracting agreement.

(c) Annually, the director of financial services shall compute the average of each residential customer's level of monthly water consumption in hundred cubic feet (h.c.f.) for the most recent period beginning with the first billing in November and ending with the second billing in April. By multiplying this monthly average by 1.25, a seasonal consumption limit for sewer billing shall be derived for each residential account. This limit will apply during the period for the first billing in May through the second billing in October. This adjustment shall apply only to residential bills and shall not apply to any customers using water for the purpose of manufacturing or for commercial or multifamily dwellings. (Ord. No. O-96-035, 2-13-96, eff. 7-1-96; Ord. No. O-97-038, 3-11-97, eff. 7-1-97; Ord. No. O-98-014, 2-10-98, eff. 7-1-98; Ord. No. O-99-041, 3-9-99, eff. 7-1-99; Ord. No. O-00-045, 3-14-00, eff. 7-1-00; Ord. No. O-01-034, 2-13-01, eff. 7-1-01; Ord. No. O-01-061, 3-27-01, eff. 7-1-01; Ord. No. O-02-045, 3-12-02, eff. 7-1-02)

Sec. 34-13. Charge for truck-hauled wastewaters.

Persons desiring to routinely discharge wastes taken from septic tanks, cesspools or other sewage containers into the sewage system of the city shall possess a valid septage haulers discharge permit. Permits will be issued by the director of public works or his designee for a term not to exceed three (3) years and will specifically identify the types of wastes which can be discharged. For purposes of waste classification, there will be two (2) generally acceptable types of waste sources:

Residential: Wastes collected from establishments where only household type activities have occurred.

Restaurant wastes: Non-solid wastes collected from establishments engaged in the selling of prepared food to the general public. (eq. restaurant grease pits)

All other types of hauled wastes will be subject to the conditions of contractual agreements between the wastewater facilities and the waste generator.

All persons discharging a hauled waste to the sewage system of the city will adhere to the following conditions:

- (1) All wastes will be brought to the designated discharge location at the wastewater facilities;
- (2) A completed manifest form, containing the appropriate signatures and identifying the source of the wastes, shall be presented to the wastewater treatment plant operator prior to discharge;
- (3) No truck load will exceed twenty-five hundred (2500) gallons unless prior permission has been granted by the director of public works or his designee;
- (4) Contractual loads cannot be mixed with any other type of waste;
- (5) All fees and charges will be accumulated over each calendar month and be billed on a monthly basis. In the case of contractual agreements payment will be subject to the conditions of the contract.
- (6) Any truck load which contains any amount of restaurant wastes will be charged at the rate established for restaurant wastes;
- (7) Disposal services will be suspended for customers with an outstanding monthly bill (not paid by due date); and
- (8) Disposal costs for residential and restaurant wastes will be assessed at the rates established in Section 12-1(b), (3).

To cover the administrative cost of the septic haulers discharge permit, fifty dollars (\$50.00) per year of permit term will be charged. (Ord. No. O-84-141, § 1, 6-12-84, eff. 7-1-84; Ord. No. O-87-265, § 1, 11-24-87, eff. 1-1-88; Ord. No. O-88-062, § 1, 3-22-88, eff. 7-1-88; Ord. No. O-90-093, 3-27-90, eff. 7-1-90; Ord. No. O-91-053, 3-26-91, eff. 7-1-91; Ord. No. O-93-281, 10-12-93, eff. 1-1-94; Ord. No. O-95-027, 2-14-95; Ord. No. O-95-269, 9-26-95)

Sec. 34-14. Adjustments to sewer bill.

The amount of sewerage billed at the rates contained in Section 34-12.1 shall be based on the amount of water consumed for the billing period unless contracts for the treatment of industrial wastes provide for specific terms to the contrary. Certain industrial or commercial customers may apply for relief to provisions of this section on an annual basis provided that ample documentation is provided by January 1 of each year to the utilities administrator to show that water consumed is not returned to the collection system to be treated as waste at the waste treatment plant. (Ord. No. O-87-265, § 1, 11-24-87, eff. 1-1-88)

Sec. 34-15. Collection of sewage fees, charges and rents.

Effective on and after July 1, 1995, whenever the city utilizes the services of an attorney or a collection agency to collect any delinquent fees, rents or charges for the use and services of the city's sewage disposal system, reasonable attorney's fees or collection agency's fees shall be added to the delinquent bill. The attorney's fees or collection agency's fees shall not exceed twenty (20) per cent of the delinquent bill and may be recovered by the city by action at law or suit in equity. Attorney's fees shall be added only if such delinquency is collected by action at law or suit in equity. (Ord. No. O-94-302, 11-22-94)

Secs. 34-16—34-30. Reserved.**ARTICLE II. SECS. 34-31—34-48, REPEALED*****ARTICLE III. PRETREATMENT OF INDUSTRIAL AND NONDOMESTIC WASTES**

Editor's note: Sections 34-49 through 34-65 were repealed by O-95-269 and were replaced by Sections 34-66 through 34-78, 9-26-95)

Sec. 34-66. Definitions.

(a) Specific definitions. Unless stated otherwise, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Approval authority: The Commonwealth of Virginia.

Biochemical oxygen demand (BOD): That quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees Centigrade, expressed in milligrams per liter, as determined by "standard methods".

Day: The twenty-four (24) hour period beginning at 12:01 a.m.

The indirect discharge or discharge: introduction of pollutants into the wastewater facilities from any nondomestic source regulated under Section 307(b), (c), or (d) of the Act.

Industrial user: A source of indirect discharge.

Industrial wastes: That wastewater from industrial users.

High strength waste surcharge: That rate charged in excess of the sewer service rate for all wastewater over and above normal wastewater standards.

Interference: A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the wastewater facilities, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the city's VADES permit including an increase in the magnitude or duration of a violation or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory or local regulations: Section 405 of the clean water act; the solid waste disposal act, including Title II commonly referred to as the resource conservation and recovery act (RCRA); any state regulations contained in any state sludge management plan prepared pursuant to subtitle D of the solid waste disposal act; the clean air act; the toxic substance control act; and the marine protection, research and sanctuaries act.

***Editor's note**—Ord. No. O-84-169, § 2, adopted June 26, 1984, effective June 30, 1984, amended the Code by repealing Art. II of Ch. 34, §§ 34-31—34-48, pertaining to industrial wastes and derived from §§ 29.01-1, 29.01-2(a)—(e), 29.01-3(a)(1), (2), (b)—(e), 29.01-4—29.01-8 of the city's 1959 Code; and from an Ord. of Dec. 13, 1977.

Local limits technically based limits established by the city to implement general and specific prohibited standards and to protect against pass through and interference.

May: is permissible; shall is mandatory.

Nondomestic wastes: Wastewater from sources other than residential users.

Normal wastewater: Wastewater discharged into the sanitary sewers in which the average concentration of total suspended solids is not more than four hundred (400) mg/l and BOD is not more than three hundred (300) mg/l; total phosphorus is not more than fifteen (15) mg/l; total Kjeldahl nitrogen is not more than eighteen (18) mg/l; and total flow is not more than twenty-five thousand (25,000) gallons per day. Also referred to as "domestic waste."

VPDES: Virginia pollutant discharge elimination system permit program, as administered by the Commonwealth of Virginia, also known as the "Approval Authority".

Person: Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, state, and local government entities.

POTW treatment plant: That portion of the POTW which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.

Pretreatment: The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to discharge to the City of Lynchburg's wastewater facilities.

Pretreatment standard: Prohibited discharge standards, EPA categorical pretreatment standards, and local limits.

Residential user: All premises used only for human residency and which is connected to the wastewater facilities. Residential users include, but are not limited to single family residences, apartments, townhouses, condominiums, and trailers.

Sanitary sewer: Any sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions.

Sanitary wastewater: Wastewater discharged from the sanitary conveniences of dwellings, office buildings, industrial plants or institutions.

Sewage: Human excrement and gray water (household showers, dishwashing operations, etc.).

Sewer: The structures of a pipe or conduit that carries wastewater or drainage water.

Sewer service charge: That rate charged for normal wastewater discharge into the city's wastewater facilities or sewerage system.

Standard methods: The latest edition of standard methods for the examination of water and wastewater, published by the American public health association, water pollution control federation and American water works association.

State: The Commonwealth of Virginia.

State waters: All natural waters on the surface of the ground within or bordering the state and within the State's jurisdiction.

Surface water: Water which occurs when the rate of precipitation exceeds the rate at which water may infiltrate into the soil.

Suspended solids: Shall mean the total suspended matter that either floats on the surface, or is in suspension in, water or wastewater, as determined by "standard methods."

Wastewater: A combination of liquid and water-carried wastes from residences, commercial buildings, industries and institutions, together with any groundwater, surface water or storm water that may be present. Also referred to as "sewage."

Wastewater facilities: Also referred to as publicly owned treatment works (POTW) and is any devices used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to the POTW treatment plant as defined by Section 212 of the act (33 U.S.C. Sec. 1292).

Wastewater facilities board of appeals: That board appointed pursuant to the provisions of Section 34-79 of this article.

Wastewater sewer: The structures, processes, equipment and arrangements necessary to collect and transport wastewaters to the POTW treatment plant.

(b) General definitions. Unless the context of usage indicates otherwise, the meaning of terms in this article and not defined in Section 34-66(a) above shall be as defined in the glossary: Water and wastewater control engineering, prepared by joint editorial board of the America public health association, America society of civil engineers, America water works association, and water pollution control federation, copyright 1969. (Ord. No. O-95-269, 9-26-95)

Sec. 34- 67. Scope.

(a) The definitions of terms used in this article are found in Section 34-66. The provisions of this Article shall apply to the discharge to all wastewater facilities of the city. This article provides for use of the city's wastewater facilities, control of the quality of wastewater discharged, wastewater pretreatment, equitable distribution of costs, issuance of wastewater discharge permits, and penalties and other procedures in cases of violation of this article.

(b) This article shall apply to the City of Lynchburg, Virginia, and to persons outside the city who are, by contract with the city, users of the city's wastewater sewers or wastewater treatment facilities. (Ord. No. O-95-269, 9-26-95)

Sec. 34- 68. Administration.

Except as otherwise provided herein, the director of public works or his designee of the city shall administer, implement and enforce the provisions of this article. (Ord. No. O-95-269, 9-26-95)

Sec. 34- 69. High strength waste sur charge.

(a) All fees, penalties and charges collected under this article shall be used for the sole purpose of constructing, operating or maintaining the wastewater facilities of the city, or the retirement of debt incurred for same or payment of industrial cost recovery if required pursuant to federal law, or to recover cost associated with the construction of additional facilities and their operation and maintenance cost as necessary to treat wastes.

(b) All fees and charges payable under the provisions of this article are due and payable upon the receipt of notice of charges. Unpaid charges shall become delinquent and shall be subject to penalty and interest charges as provided for in this code.

(c) A high strength waste surcharge is established for all customers with discharges in excess of twenty-five thousand (25,000) gallons per day and having BOD and/or suspended solids concentrations in excess of normal wastewater as provided in Section 34-12.1 (b). (Ord. No. O-95-269, 9-26-95)

Sec. 34-70. Monitoring charges.

The purpose of this charge is to defray the cost to the city for the testing of wastewater discharges from industrial users and customers with high strength wastes (surcharge) who have been issued industrial wastewater discharge permits. The charges will be set to ensure recovery of the projected fiscal year monitoring costs.

The charges will be set to ensure recovery of the projected fiscal year monitoring costs. The charges shall be as follows:

Seven (7) day wastewater sampling for surcharge	\$800.00
Three (3) day wastewater sampling for surcharge	420.00
One (1) day wastewater sampling for pretreatment and surcharge	250.00
Three (3) day wastewater sampling of metal finishing for pretreatment and surcharge	1,300.00
Four (4) day wastewater sampling of electroplating for pretreatment and surcharge	1,450.00
Three (3) day wastewater sampling of other categories for pretreatment and surcharge	750.00
(Ord. No. O-95-269, 9-26-95)	

Sec. 34-71. Waste wa ter dis charge per mit charges.

The purpose of this charge is to defray the cost to the city for the generation and maintenance of wastewater discharge permits. The charges are set to ensure recovery of the projected fiscal year administrative cost.

All users requiring discharge permits shall pay a fee of two hundred dollars (\$200.00) per year of permit term.

Users requesting a modification of an existing discharge permit shall pay a charge of fifty dollars (\$50.00) for the cost of modification. (Ord. No. O-95-269, 9-26-95)

Sec. 34-72. Costs of dam age.

If the drainage of discharge from any establishment causes a deposit, obstruction or damage to any of the city's wastewater facilities, the city shall cause the deposit or obstruction to be promptly removed or cause the damage to be promptly repaired. The cost for such work, including materials, labor and supervision plus fifteen (15) per cent overhead, shall be borne by the person causing such deposit, obstruction or damage. (Ord. No. O-95-269, 9-26-95)

Sec. 34-73. Objec tion able wastes pro hib ited.

It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner, on public or private property within the city or in any area under the jurisdiction of the city, any human or animal excrement, garbage or objectionable waste. (Ord. No. O-95-269, 9-26-95)

Sec. 34-74. Waste wa ter dis posal.

Except as provided in the city's plumbing code, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater. (Ord. No. O-95-269, 9-26-95)

Sec. 34-75. Special agreements.

Nothing in this article shall be construed as preventing any special agreements or arrangements between the city and any user of the wastewater facilities whereby wastewater of unusual strength of character is accepted into the system and specially treated subject to any payments or user charges as may be applicable, provided that these special agreements do not allow any violations of pretreatment standards and/or requirements, and that such agreements or arrangements can be granted by mechanisms established under the national pretreatment regulations. (Ord. No. O-95-269, 9-26-95)

Sec. 34-76. Non domestic and industrial users regulations and practices.

(a) After public notice and an opportunity for informal public comment, the department of public works and the director of public works or his designee shall adopt and maintain regulations for the proper use of the wastewater facilities. These regulations shall authorize, the issuance of wastewater discharge permits, provide for monitoring and compliance determinations, require user reporting, establish local limits and other limitations or restrictions as necessary, to protect the city sewers and wastewater facilities and to meet all applicable federal and state pretreatment regulations and requirements.

(b) The director of public works or his designee shall enter into, on behalf of the city, appropriate agreements with political jurisdictions with wastewaters tributary to the city's sewer system to implement the requirements applicable to the city, federal or Virginia pretreatment requirements. (Ord. No. O-95-269, 9-26-95)

Sec. 34-77. Enforcement.

The city shall utilize, notice of violations, consent orders, administrative actions, or other actions as defined in this section, or in the non domestic and industrial user regulations and practices section XV, in order to provide compliance with this ordinance. These actions may include the imposition of voluntary penalties.

In addition to enforcement actions defined in the utilities non domestic and industrial user regulation and practices Section XV, the following actions are authorized by this ordinance:

(a) Suspension of water and/or wastewater service and/or wastewater discharge permit. The city may suspend water and/or wastewater treatment services or a wastewater discharge permit.

(1) When determined by the city, an actual or threatened discharge presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the wastewater treatment facilities, or causes the city to violate any condition of its VADES permit.

(2) A state or federal agency informs the city that the effluent from the wastewater treatment plant is no longer of a quality permitted for discharge into state waters, and it is found that the customer is delivering wastewater to the city's wastewater facilities that cannot be sufficiently treated or requires treatment that is not provided by the city as normal domestic treatment.

(3) The customer:

- a. discharges industrial waste or wastewater exceeding the limit established by the city; or
- b. discharges at an uncontrolled, variable rate or in sufficient quantity to cause an interference or pass through in the wastewater facilities;
- c. fails to pay monthly bills for water, sanitary sewer services, any sewer service charge, or surcharge when due;
- d. allows wastewater to continue to flow onto neighboring property.

(4) Any person notified of a suspension of the wastewater treatment service and/or the wastewater discharge permit shall immediately stop or eliminate the discharge. In the event of a failure of the person to comply voluntarily with the suspension order, the city shall take such steps as deemed necessary, including immediate severance of the sewer connection, or city water supply, to prevent or minimize damage to the wastewater treatment facilities or endangerment to any individuals. The city shall reinstate the wastewater discharge permit and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the city within fifteen (15) days of the date of occurrence.

(b) Revocation of wastewater discharge permit. Any user who violates the following conditions of this section, or applicable state and federal regulations, is subject to having their wastewater discharge permit revoked in accordance with Section XI of the non domestic and industrial user regulations and practices:

- (1) failure of a user to factually report the wastewater constituents and characteristics of their discharge;
 - (2) failure of the user to report significant changes in operations or wastewater constituents and characteristics;
 - (3) refusal of reasonable access to user's premises for the purpose of inspection or monitoring; or
 - (4) Violation of conditions of the wastewater discharge permit.
- (c) Legal action.

(1) If any person violates the provisions of this article, federal or state pretreatment requirements or any order or permit of the city, the director of public works or his designee may make a recommendation to the city attorney to commence an action for appropriate legal and/or equitable relief for such violation of the ordinance, the rules, regulations or permits issued thereunder, federal or state pretreatment requirements.

(2) If an industrial user bans the city from access to pretreatment or sampling facilities, the city has the authority to seek an injunction against the industrial user.

(d) Civil penalties. Any user who fails to comply with any provisions of this article and the orders, rules, regulations and permits issued hereunder shall be fined through a civil action in the courts of the commonwealth not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the city may recover reasonable attorney's fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this ordinance or the orders, rules, regulations and permits issued hereunder.

(e) Criminal penalties. Any user who is found in a court of the commonwealth to have willfully or negligently violated an order of the city or to have willfully or negligently failed to comply with any provision of the article and the orders, rules, regulations and permits issued hereunder shall be guilty of a class 2 misdemeanor. (Ord. No. O-95-269, 9-26-95)

Sec. 34- 78. Waste wa ter fa cili ties board of ap peals.

(a) Appointment. There is hereby established in the city, a board to be called the wastewater facilities board of appeals which shall consist of five (5) members. Such board shall be composed of one public works official, one engineer, two members of local industry, and one member at large from the community. The board shall be appointed by the city council, and it shall elect its own chairman from the membership.

(b) Term of office. The city council shall appoint initially three (3) members for a term of three (3) years, and two (2) members for a term of two (2) years, each of whom may be reappointed at the expiration of their respective terms. All future appointments shall be for two (2) year terms and all members shall serve until their successors are appointed and qualified. The members shall take the oath of office prescribed by the

city charter for officers of the city. Vacancies on the board shall be filled by city council for the unexpired term of any member whose term becomes vacant. The members so appointed may be removed by city council for cause.

(c) Quorum. Three (3) members of the board shall constitute a quorum. No board member shall act or vote on any matter in which he has a substantial personal or pecuniary interest.

(d) Records. The director of public works, or designee shall act as secretary of the board and shall make a detailed record of all its proceedings, which shall set forth the reason for its decisions, the vote of each member participating therein, the absence of a member, and any failure of a member to vote.

(e) Procedure. The board shall establish rules and regulations for its own procedures not inconsistent with the provisions of this article. The board shall meet at regular intervals, to be determined by the chairman, and in any event, the board shall meet within ten (10) days after notice of appeal has been received.

(f) Powers and duties. Any sewer system user may initiate an appeal to the board by filing a notice of appeal. Such notice of appeal shall be filed no later than thirty (30) days after the final enforcement action. No decision of the city to pursue an action in court shall be appealable pursuant to these provisions. The board shall consider, hear evidence on, and decide appeals of sewer system users enforcement actions taken by the director of public works or his designee. The board shall decide such appeals based upon the evidence and shall either (1) uphold the actions of the director of public works or his designee, or (2) reverse the actions of the director of public works or his designee, explain its reasons for doing so, and remand the matter to the director of public works or his designee for further action. (Ord. No. O-95-269, 9-26-95)

